



Division of Criminal Justice Police Training Commission

AGENCY TRAINING for SHERIFF'S OFFICERS

Section 3

July 1, 2002

AGENCY TRAINING FOR SHERIFFS' OFFICERS

The Basic Course for Police Officers is based on performance objectives. These performance objectives are statements describing the tasks that an officer is expected to perform at the conclusion of training. They constitute the minimum requirements of the Basic Course for Police Officers.

Many differences in size, location, and type of workload exist among the various county and municipal law enforcement agencies. They have different policies, reporting systems, equipment, and procedures. They operate under various administrative and organizational structures. To govern the actions of agency personnel, agencies adopt rules and regulations that address their particular needs and concerns. This variety dictates that an agency must train its own personnel regarding agency forms, tasks, policies, and procedures. Many agencies already provide such training, formally or informally.

The commission has mandated that sheriffs' departments need to conduct individual agency training on a formal basis. As a result, the segment of the Basic Course for Police Officers that deals with agency training will be presented by department personnel at the agency. The agency training component for sheriffs' officers consists of the existing 71 performance objectives contained in Section Two of this manual and required of municipal and county police officers supplemented by an additional 19 performance objectives designed specifically to address the specialized tasks performed by sheriff's officers. These additional performance objectives comprise the following four instructional units in Functional Area 16.0:

- Instructional Unit 16.1, Role and Authority of the Sheriff's Officer
- Instructional Unit 16.2, Court Responsibilities
- Instructional Unit 16.3, Physical Security
- Instructional Unit 16.4, Serving Process

The information that follows will assist your personnel in fulfilling the department's agency training requirements.

BASIC COURSE FOR POLICE OFFICERS

Instructional Unit 16.1

Role and Authority of a Sheriff's Officer

July 2002

<p>Basic Course for Police Officers</p> <p><i>Role and Authority of a Sheriff's Officer</i></p>
--

TABLE OF CONTENTS

	<u>Page</u>
UNIT GOAL	1
UNIT DESCRIPTION	1
UNIT DESCRIPTION	1
PERFORMANCE OBJECTIVES	1
Performance Objective 16.1.1	2
Performance Objective 16.1.2	3
Performance Objective 16.1.3	5
HANDOUTS	6

UNIT GOAL

The trainee will understand the responsibilities of the sheriff's office and the statutory powers of the position of sheriff's officer.

UNIT DESCRIPTION

The unit discusses the responsibilities of a sheriff's office for court security, service of processing, prisoner transportation and records. It also requires familiarization with agency equipment.

PERFORMANCE OBJECTIVES

- 16.1.1 The trainee will identify the most common organizational structures in a police agency.
- 16.1.2 The trainee will identify the primary responsibilities and jurisdiction of his/her employing agency to include the following areas:
- 1. Court Security
 - 2. Serving Process
 - 3. Prisoner Transportation and Housing
 - 4. Criminal Records
- 16.1.3 The trainee will demonstrate a working knowledge of specialized agency equipment including computers necessary to the performance of his or her duties.

Performance Objective 16.1.1

The trainee will identify the most common organizational structures in a police agency.

I. Authority and Powers.**A. N.J.S.A. 2A:154-3.**

Sheriffs' Officers are "... empowered to act as officers for the detection, apprehension, arrest and conviction of offenders against the law."

Note. Distribute Handouts 1 and 2.

Identify the statutory authority and powers of a sheriff's officer.

B. N.J.S.A. 2A:157-2.1.

Sheriffs' Officers "... have full power of arrest for any crime committed in his presence anywhere within the territorial limits of the State of New Jersey."

Note.

Crime does not include disorderly persons or petty disorderly persons offenses. Stress the requirement that the crime must be committed in the presence of the officer. Probable cause criteria are insufficient.

C. N.J.S.A. 40A:9-117.6. Sheriffs Officers.

1. Perform duties involved in attending the courts (gradually replacing court attendants).
2. Serve court process.
3. Investigate and apprehend violators of the law.
4. Perform duties involved in criminal identification.
5. Perform duties involved in ballistics.
6. Perform other duties as determined by the sheriff.

Performance Objective 16.1.2

The trainee will identify the primary responsibilities and jurisdiction of his/her employing agency to include the following areas:

1. Court Security
2. Serving Process
3. Prisoner Transportation and Housing
4. Criminal Records

I. Agency Responsibilities and Jurisdiction.

Note. Identify the primary responsibilities of the agency. Outline the activities and duties performed by the agency to fulfill these responsibilities.

A. Primary Responsibilities.

1. Court Security.
2. Serving Process.
3. Prisoner Transportation and Housing.
4. Criminal Records.
5. Other Responsibilities.

B. Special Responsibilities.

Each sheriff's department may maintain specialized units such as the following:

1. Narcotics.
2. Ballistics.
3. Canine.
4. Fugitive.
5. Missing Persons.
6. Patrol.
7. Bomb.

8. Others.

C. Jurisdiction. Identify the geographic boundaries of the county.

Note. Provide trainees with county map.

Performance Objective 16.1.3

The trainee will demonstrate a working knowledge of specialized agency equipment including computers necessary to the performance of his or her duties.

I. Equipment Familiarization.

A. Computers.

B. Communication equipment.

C. Special vehicles.

D. Hand held and stationary magnetometers.

E. Other equipment.

Note. Familiarize trainees with any special equipment that the trainees will be responsible for operating. Allow hands-on activities to ensure a working knowledge on the part of the trainee.

SHERIFF'S OFFICER ROLE AND AUTHORITY

HANDOUT 1

2A:154-3. Court attendants, sheriff's officers and county correction officers as peace officers.

All court attendants, sheriff's officers and county correction officers in the competitive class of civil service who have been or who may hereafter be appointed by the sheriff or board of chosen freeholders of any county in this State shall, by virtue of such appointment and in addition to any other power or authority, be empowered to act as officers for the detection, apprehension, arrest and conviction of offenders against the law.

Amended by *L. 1968, c. 326, § 1, eff. Nov. 4, 1968; c. 398, § 1, eff. Jan. 10, 1969.*

Historical Note

Source: *C. 2:180-6 (L. 1938, c. 124, p. 259, § 1).*

This section was made applicable to county correction officers and gave the power of appointment to the board of chosen freeholders by *L. 1968, c. 326, § 1.*

Allocation: *Section 2A:154.3* shall remain in full force and effect for use, administration and enforcement as heretofore, pending enactment of acts to revise, repeal or to compile in *Title 2C*, see § *2C:98-3.*

Cross References

Court attendants, see § *2A:11-31* et seq.

Library References

Arrest 63.2

C.J.S. Arrest § 17.

2A:157-2.1. Power of arrest for crime committed in presence of officer within territorial limits of state.

Notwithstanding the provisions of any other law to the contrary, any full-time, permanently appointed county detective, sheriff's officer and investigator sheriff's office shall have full power of arrest for any crime committed in his presence anywhere within the territorial limits of the State of New Jersey.

L.1977, c. 438, § 2, eff. March 2, 1978.

Historical Note

Title of Act:

An Act concerning powers of county police officers, county detectives, sheriff's officers and sheriff's investigators, amending *N.J.S.A. 40A:14-107*, and supplementing *Title 40A* of the New Jersey Statutes. *L.1977, c.238, § 1.*

Cross References

Employee benefits of county law enforcement officer in lawful exercise of statewide police powers, see § *40A:14-107.1*.

Library References

Arrest 63.2.
C.J.S. Arrest § 17.

SHERIFF'S OFFICER ROLE AND AUTHORITY

HANDOUT 2

40A:9-117.6, Sheriff's Officers; appointment; duties.

The sheriff of each county shall, subject to the budget of the county, appoint such persons as may be necessary, to the position of sheriff's officer, pursuant to the provisions of Title 11 of the Revised Statutes, where applicable, to perform the duties involved in attending the courts heretofore performed by court attendants, or in serving court processes, or in the investigation and apprehension of violators of the law, or in criminal identification, or in ballistics, or in any related work which the sheriff shall, from time to time prescribe and as shall be determined to be appropriate by the Civil Service Commission. Except as provided herein, no such officer shall be assigned to any penal institution, jail, penitentiary, county correction center or workhouse for the purpose of guarding, having custody of, or being charged with the rehabilitation of any inmate housed therein, except upon emergency conditions. Any sheriff's officer who, on the effective date of this act, is assigned to any penal institution, jail, penitentiary, county correction center, or workhouse for the purpose of guarding, having custody of, or being charged with the rehabilitation of any inmate housed therein, may continue to serve in such capacity until such officer is reassigned or terminated, at which time the position shall be filled with an individual in a title appropriate to the duties to be performed.

L. 1982, c. 133, § 1, eff. Sept. 14, 1982. Amended by L. 1984, c. 35, § 3, eff. April 19, 1984.

BASIC COURSE FOR POLICE OFFICERS

Instructional Unit 16.2

Court Responsibilities

July 2002

Instructional Unit 16.2

Court Responsibilities

TABLE OF CONTENTS

	<u>Page</u>
UNIT GOAL	1
UNIT DESCRIPTION	1
PERFORMANCE OBJECTIVES	1
Performance Objective 16.2.1	2
Performance Objective 16.2.2	4

UNIT GOAL

The trainee will understand his/her responsibilities when assigned to court duties.

UNIT DESCRIPTION

The unit familiarizes the sheriff's officer with the various responsibilities assigned to an officer relating to courtroom security and procedure. It also addresses the officer's role in the court security plan of the agency.

PERFORMANCE OBJECTIVES

- 16.2.1 The trainee will identify the responsibilities assigned by his/her agency to a sheriff's officer performing courtroom duty including:
 - A. Security of judge, defendant, jury, spectators, etc.
 - B. Functions of court attendant and court aide.
 - C. Search of courtroom, jury rooms, judges' chambers, etc.
- 16.2.2 The trainee will identify his/her role in the agency court security plan including:
 - A. Bomb threats
 - B. Hostage situations
 - C. Fire
 - D. Building evacuation
 - E. Natural disasters
 - F. Prisoner security and escapes
 - G. Crowd control
 - H. Sequestered juries

Performance Objective 16.2.1

The trainee will identify the responsibilities assigned by his/her agency to a sheriff's officer performing courtroom duty including:

- A. Security of judge, defendant, jury, spectators, etc.
- B. Functions of court attendant and court aide.
- C. Search of courtroom, jury rooms, judges' chambers, etc.

I. Court Responsibilities.**A. Security of Persons.**

Sheriffs' officers are responsible for the safety and security of all individuals in the building including visitors and employees. Some of the security tasks include:

1. Escorting and guarding prisoners while in the courtroom.
2. Pat searching criminal defendants not in custody who are reporting to court. This may be on a case-by-case basis with judicial approval.
3. Searching for weapons in packages, purses, pocketbooks and briefcases of criminal defendants reporting to court.
4. Searching all persons entering the courtroom during high-threat or high security trials including operating hand-held and stationary magnetometers, when authorized by court order.
5. Escorting jurors to and from deliberations and sequestration locations.
6. Guarding jurors during sequestration and deliberations.
7. Guarding and escorting witnesses, if appropriate.

Note. High risk trials may require special precautions such as the use of restraining devices on prisoners. A court order is required for cases involving special precautions including:

- Physical search of members of the public.
- Limiting access to court by members of the public.
- Jury sequestration.
- Forbidding discussion of trial-related matters by security personnel.

All court orders related to the particular trial should be posted outside the courtroom. Protected witnesses will require special precautions on a case-by-case basis.

B. Non-Security Responsibilities.

Note. Sheriffs' officers may perform the functions of a court attendant. The title of court attendant is being eliminated through attrition. Eventually court aides will perform non-security functions and the sheriffs' officers will perform security functions.

Non-security responsibilities include:

1. Making courtroom proclamations and announcements as directed by judge such as calling the court to order, announcing postponements, and adjourning the court.
2. Preparing courtroom as to temperature and ventilation and ascertaining whether counsel, court clerk, court reporter, and other necessary personnel are present before the judge leaves the chambers.
3. Attending the judge both on the bench and in chambers answering the telephone, obtaining law books, documents and records.
4. Supplying information to attorneys, sheriff, and other county officials as to trial, motion, and dismissal lists, adjournments, and status and disposition of cases under the direction of the judge or his designee.
5. Administering oaths to jurors, witnesses, etc.
6. Making arrangements for sequestering of juries including housing, food, overall welfare during trial and deliberations.
7. Directing litigants, lawyers and public to proper courtrooms.

C. Physical Plant Security.

Security of the physical plant includes the following activities:

1. Closing and locking all courtrooms when not in use.
2. Searching courtroom, jury room, judge's chambers, and public and private corridors each morning for articles that do not normally belong there.

Performance Objective 16.2.2

The trainee will identify his/her role in the agency court security plan including:

- A. Bomb threats
- B. Hostage situations
- C. Fire
- D. Building evacuation
- E. Natural disasters
- F. Prisoner security and escapes
- G. Crowd control
- H. Sequestered juries

I. Sheriff's Officer's Role in Court Security Plan.

The individual sheriff's officer will have specific responsibilities and procedures to follow in the event of special situations. The responsibilities and required action to be taken by each officer should be identified in the following areas.

Note. Refer to local county court security plan for specific actions and procedures.

A. Bomb Threats.

1. Identify the person to contact and the correct telephone number to call in the event a bomb threat is received or a suspicious device is found.
2. Identify the location and the telephone number of the bomb threat command center.
3. Familiarize trainee with the use of the bomb threat form.

Note. Distribute copies of bomb threat report form from Court Security Plan and familiarize trainees with its content.

4. Stress the prohibition of using radio transmitters.
5. Identify authorized search procedures.

B. Hostage Situations.

Note. Trainees should be instructed to exercise extreme restraint and caution when confronted with a hostage situation.

Trainees are to identify the actions to take in the event of a hostage situation including:

1. Notification process—senior officer at the scene must be notified and assistance summoned.
2. Preliminary containment of area.
3. Evacuation of bystanders.
4. Separation of witnesses for debriefing.

C. Fire.

Trainees are to be familiar with the actions to take in the event of a fire including:

1. Notification procedure with the correct telephone number to call to report a fire.
2. Location of fire extinguishers and alarm boxes.
3. Evacuation procedure (see II. D. below).

D. Evacuation Procedure.

Familiarize trainees with the following:

1. Evacuation routes and reassembly areas.

Note. Use floor plans of building to identify evacuation routes.

2. Procedures for evacuating active juries.
3. Procedures for evacuating custodial defendants.
4. Safety precautions including closing all doors and windows if evacuating building due to fire. Opening all doors and windows when evacuating building due to bomb threat.

E. Natural Disasters.

Identify the procedures to be used in the event of a natural disaster including:

1. Evacuation plan.

2. Emergency communications and available transportation.
3. Prisoner security.

F. Prisoner Security and Escapes.

Identify the following:

1. Procedure for notification of supervisor when escape is discovered.
2. Procedure for securing building in the event of escape.
3. Role of individual officer in any predetermined prisoner escape response plan.

G. Crowd Control.

Cover the following items with trainees:

1. Procedures and policies relating to demonstrations outside court.
2. Methods of controlling public access to building.

H. Sequestered Juries.

Sequestered juries require special security precautions in the following areas.

1. Transportation to and from hotel.
2. Restrictions on jury—no television in rooms, no telephone, screen written materials, no radio, no newspapers, etc.
3. Control of hotel staff (cleaning personnel entering rooms).
4. Monitoring of authorized visits by family members.
5. Control of eating facilities in the hotel and outside restaurants including waiters and waitresses.
6. Emergency evacuation plans at hotel.

BASIC COURSE FOR POLICE OFFICERS

Instructional Unit 16.3

Physical Security

July 2002

Instructional Unit 16.3

Physical Security

TABLE OF CONTENTS

	<u>Page</u>
UNIT GOAL	1
UNIT DESCRIPTION	1
PERFORMANCE OBJECTIVES	1
Performance Objective 16.3.1	2
Performance Objective 16.3.2	3
Performance Objective 16.3.3	4
Performance Objective 16.3.4	5
Performance Objective 16.3.5	6
Performance Objective 16.3.6	7
Performance Objective 16.3.7	8
Performance Objective 16.3.8	9

UNIT GOAL

The trainee will have a thorough knowledge of the physical characteristics of the courthouse and courtrooms, the security and communications equipment used, and the security needs of the courthouse tenants.

UNIT DESCRIPTION

This unit requires the sheriff's officer to understand his/her responsibilities for specific building security needs including handling various types of special situations.

PERFORMANCE OBJECTIVES

- 16.3.1 The trainee will demonstrate a thorough knowledge of the courthouse building and identify the location of all tenants.
- 16.3.2 The trainee will identify the security needs of the building tenants.
- 16.3.3 The trainee will identify the security procedures in effect for visitor control.
- 16.3.4 The trainee will demonstrate a thorough knowledge of the alarm system, monitors, and emergency response procedures.
- 16.3.5 The trainee will identify locks, anti-intrusion devices, and security equipment in use.
- 16.3.6 The trainee will explain the communications process and identify the officer's individual role in the "Response Plan."
- 16.3.7 The trainee will identify the outer perimeter and its security needs.
- 16.3.8 The trainee will identify security procedures for special situations including:
 - A. Situations involving an excited individual who is emotionally disturbed.
 - B. Gang members in custody.
 - C. Political dissident.
 - D. Racial conflict.
 - E. High interest trials.

Performance Objective 16.3.1

The trainee will demonstrate a thorough knowledge of the courthouse building and identify the location of all tenants.

I. Courthouse Physical Plant.

Note. Distribute floor plans to each trainee marked with the name of tenant and/or the function of each area.

Trainees are to become thoroughly familiar with the courthouse facility including the following:

A. Floor plans.

B. Identity, location, and principle activity of tenants.

C. Building entrance, stairwells, and emergency exit routes.

D. Adjacent grounds.

Note. Give trainees a walking tour of the entire building and grounds.

Performance Objective 16.3.2

The trainee will identify the security needs of the building tenants.

I. Security Needs of Tenants.

Identify the special needs of tenants in the following areas:

A. Visitor access and monitoring.

B. Physical security of offices.

C. Weapons policies.

Note. The courthouse building may house agencies other than the judiciary such as the county clerk, surrogate, or prosecutor's office. Each agency may require special security procedures.

Performance Objective 16.3.3

The trainee will identify the security procedures in effect for visitor control.

I. Visitor Control.

Identify both ordinary and enhanced security procedures in each of the following areas:

Note. Refer to agency court security plan and special orders for specific enhanced security procedures. Information on security procedures should be presented only as needed.

- A. Building entrance security.**
- B. Visitor screening to limited access areas.**
- C. After hours policies on building admittance.**
- D. Building patrols.**
- E. Special screening equipment (magnetometers, x-ray machines).**

Performance Objective 16.3.4

The trainee will demonstrate a thorough knowledge of the alarm system, monitors, and emergency response procedures.

I. Emergency Response Procedures.

Familiarize trainees with the following:

A. Location of all monitors and their central control stations.

B. Response procedures for intrusion alarms, fire alarms, silent alarms.

Performance Objective 16.3.5

The trainee will identify locks, anti-intrusion devices, and security equipment in use.

I. Security Equipment.

Note. Identify the location and capabilities of each type of alarm system. Information on security system should be presented only when needed.

A. Locks and key control system.

B. Alarm equipment including electric eyes, sonic, heat, tape, and motion alarms.

C. Other equipment.

Performance Objective 16.3.6

The trainee will explain the communications process and identify the officer's individual role in the "Response Plan."

I. Communications.

Familiarize trainees with the following:

A. Types and methods of communication (radio, telephonic).

Note. Also identify emergency and back-up communications equipment and procedures.

B. Special codes (as necessary).**C. Emergency telephone numbers.****D. Response procedures.**

Note: Supply trainees with a written set of codes and emergency numbers. Also, familiarize trainee with the process for updating this information.

Performance Objective 16.3.7

The trainee will identify the outer perimeter and its security needs.

I. Outer Perimeter.

Familiarize trainees with the following:

A. Boundaries of courthouse grounds.

B. Patrol areas and routes.

C. Parking areas.

D. Limited access areas.

E. Access roads.

Performance Objective 16.3.8

The trainee will identify security procedures for special situations including:

- A. Situations involving an excited individual who is emotionally disturbed.
- B. Gang members in custody.
- C. Political dissident.
- D. Racial conflict.
- E. High interest trials.

I. Special Situations.

Identify the security procedures for special situations including:

- A. Situations involving an excited individual who is emotionally disturbed.**
- B. Gang members in custody.**
- C. Political dissident on trial or in custody.**
- D. Racial conflict including demonstrations.**
- E. High interest trials.**

BASIC COURSE FOR POLICE OFFICERS

Instructional Unit 16.4

Serving Process

July 2002

Instructional Unit 16.4

Serving Process

TABLE OF CONTENTS

	<u>Page</u>
UNIT GOAL	1
UNIT DESCRIPTION	1
PERFORMANCE OBJECTIVES	1
Performance Objective 16.4.1	3
Performance Objective 16.4.2	8
Performance Objective 16.4.3	9
Performance Objective 16.4.4	12
Performance Objective 16.4.5	13
Performance Objective 16.4.6	14
HANDOUT	15

UNIT GOAL

The trainee will understand the various documents and terminology in the serving process and have a working knowledge of the procedure necessary to complete service.

UNIT DESCRIPTION

The basic terminology relating to legal instruments and judicial actions are covered. The laws and procedures service of process are covered as well as extradition procedures.

PERFORMANCE OBJECTIVES

- 16.4.1 The trainee will state the purpose of each of the following legal instruments and judicial actions:
- A. Complaint
 - B. Summons
 - C. Writ of Capias Ad Respondendum
 - D. Writ of Ne Exeat
 - E. Writ of Replevin
 - F. Writ of Capias Ad Satisfaciendum
 - G. Writ of Execution
 - H. Writ of Attachment
 - I. Writ of Possession
 - J. Injunction
 - K. Levy
 - L. Garnishment (wage execution)
- 16.4.2 The trainee will identify the employing agency's procedures for the service and return of civil and criminal process.
- 16.4.3 The trainee will identify the restrictions on service of a summons and various other types of process including:
- A. Restraining orders
 - B. Foreclosures
 - C. Divorce papers
 - D. Probation papers
 - E. Debts, loans, or non-payment of bills
 - F. Corporation or business process

- G. Out-of-state summonses
- H. Subpoenas
- I. Grand jury summonses
- J. Motor vehicle accidents

- 16.4.4 The trainee will identify what actions to take in the event of resistance to service of process.
- 16.4.5 The trainee will identify the procedures to be followed in enforcing a child custody order.
- 16.4.6 The trainee will identify the employing agency's extradition procedures.

Performance Objective 16.4.1

The trainee will state the purpose of each of the following legal instruments and judicial actions:

- A. Complaint
- B. Summons
- C. Writ of Capias Ad Respondendum
- D. Writ of Ne Exeat
- E. Writ of Replevin
- F. Writ of Capias Ad Satisfaciendum
- G. Writ of Execution
- H. Writ of Attachment
- I. Writ of Possession
- J. Injunction
- K. Levy
- L. Garnishment (wage execution)

I. Introduction: Process and Service.**A. Process.**

Process is the means used by a court to exercise its jurisdiction over a person or over specified property. Process usually refers to the method used to compel the attendance of a defendant in court in a civil suit.

Note. Discuss the purpose of process with trainees. Process is used to serve notice to parties of pending judicial action and the status of litigation.

B. Purpose of Process.

1. Give court jurisdiction over defendant.
2. Inform defendant.
3. Bring defendant to court.
4. Afford defendant opportunity to answer complaint.

C. Types of Service.

1. INITIAL AND MESNE (intermediate) — Prior to final judgment.

2. FINAL — at final judgment.

D. Service of Process.

1. Service of process is the communication of the substance of the process to the defendant, either by actual delivery or by other methods whereby a defendant is furnished with reasonable notice of the proceedings against him to allow him the opportunity to appear and be heard.
2. Service can be:
 - a. Personal, hand delivered to individual.
 - b. By publication, publishing notice in newspaper.
 - c. Substituted, served to agent or representative of party to be served.
3. The requirement of delivery is met by leaving process outside the door, when, after the process server identifies himself and his mission, the defendant or his family member refuses to open the door and denies his true identity.

Peoples Trust Co. v. Kozuck, 98 N.J. Super. 235 (Law Div. 1967), affirmed o.b. 103 N.J. Super. 151 (App. Div. 1968), certif. den. 53 N.J. 78 (1969), cert. den. 395 U.S. 966 (1969).

II. Legal Instruments and Judicial Actions.

A. Complaint.

1. In a civil action, a complaint is the first pleading by a plaintiff stating the various names of parties to civil action, a statement of facts causing the action, and the remedy requested.

Distribute Handout 1.

2. Parties.
 - a. Plaintiff, Person who brings actions.
 - b. Defendant, Person defending or denying action.

B. Summons.

1. A mandate requiring the answer of a defendant and specifying the time in which the defendant must answer the complaint. A summons enables the court to acquire jurisdiction of the defendant.

Reference: R. 4:4-4.

2. A summons only requires an answer. A subpoena requires the appearance of the defendant at a specific time and place or the production of records.

C. Writ of Capias Ad Respondendum.

1. This writ may require that a defendant be arrested. It is used to ensure that the defendant does not dispose of assets in question.

Reference: R. 4:51-1.

2. A writ is a written letter or order from the court requiring or authorizing certain actions. Writs of Capias Ad Respondendum and Ne Exeat state the bail amount the defendant must post. If defendant cannot post bail, he immediately goes before the judge who issued the writ.

D. Writ of Ne Exeat.

1. This writ may require the arrest of defendant. It is used to help ensure that a defendant does not leave the court's jurisdiction.

Reference: R. 4:51-1.

2. A writ of Ne Exeat can also be against a person who is removing or attempting to remove property beyond the court's jurisdiction.

E. Writ of Replevin.

This writ requires or provides for the recovery of goods which the owner believes were unlawfully taken.

Reference: R. 4:61-1; *N.J.S.A. 2A:59-1 et seq.*

F. Writ of Capias Ad Satisfaciendum.

This writ is issued after final judgment. It requires the arrest of the person against whom judgment is made until the judgment is satisfied.

Reference: R. 4:59-1.

G. Writ of Execution.

1. Orders the enforcement of a judgment by commanding the sheriff to levy or seize and sell the personal and real property of the judgment debtor.

Reference: R. 4:59-1; R. 4:59-2; R. 6:7-1(b).

2. Personal property must be levied or seized first before real property.
3. A Notice to Debtor must be mailed within 24 hours of levy giving notice of \$1,000 exemption on personal property.

H. Writ of Attachment.

1. Prevents the disposal of an item prior to final judgment and is used to enforce obedience to an order of judgment.

Reference: R. 4:60-1 *et seq.*

2. This is usually used when defendant is disposing of property or fleeing state and delay would cause the potential loss of the property.

I. Writ of Possession.

1. A writ of execution which allows the sheriff to take possession of real or personal property and give it to the person entitled to it under the judgment.

Reference: R. 4:59-2.

2. When personal property is seized by the sheriff, it may be immediately given to plaintiff. No bond or 48 hour waiting period is required.
3. When real property is occupied, occupants have a minimum of 5 days to vacate.

J. Injunction.

A court order which requires a party to refrain from doing a particular act or activity.

K. Levy.

1. A seizure of real property through lawful process. The land or property seized may be sold to satisfy a judgment. The levy may be against personal property such as bank accounts, cash, vehicles, etc.
2. Personal property must be levied first before real property.
3. Refer to writ of execution which is used to command the sheriff to levy.

L. Garnishment (Wage Execution).

1. A garnishment or wage execution is the process in which the sheriff may levy money or salary which is in the hands of a third person but which is due a defendant. For example, a percentage of the salary due an employee (defendant debtor) which is controlled by a third party (the employer) is issued to repay the debt due the plaintiff (lender).

Reference: R. 4:59-1(d).

2. A Wage Execution must state the employer's name and address. If defendant is terminated, sheriff returns writ to court unsatisfied. A new writ is needed for each employer.

Performance Objective 16.4.2

The trainee will identify the employing agency's procedures for the service and return of civil and criminal process.

I. Agency Procedure for Service of Process.**A. Assignment of Process.**

Identify the agency's procedure used for assigning process to officers for service.

Provide trainees with copies of the department's standard operating procedures for delivering process and examples of completed forms necessary for service of process.

The department may wish to allow trainees to accompany an experienced officer in the field from assignment to completion of service.

B. Return of Process.

1. Served
2. Not Served
3. An affidavit is sent to the plaintiff's attorney notifying him as to result of service.

Performance Objective 16.4.3

The trainee will identify the restrictions on service of a summons and various other types of process including:

- A. Restraining orders
- B. Foreclosures
- C. Divorce papers
- D. Probation papers
- E. Debts, loans, or non-payment of bills
- F. Corporation or business process
- G. Out-of-state summonses
- H. Subpoenas
- I. Grand jury summonses
- J. Motor vehicle accidents

I. Restrictions on Service.**A. General Provisions.**

- 1. Process can be served seven days a week.
- 2. Personal service can be made by an officer on persons 14 years of age or older, unless they are incompetent.
- 3. Personal service can be at home or in place of work. If an individual is served other than at home, service can be made after receipt of proper identification.

Reference: R. 4:4-4; N.J.S.A. 2A:15-21.1.

Refer to agency policy for any internal service restrictions.

- 4. Examples:
 - a. Foreclosures
 - b. Divorce Papers. It is common practice that divorce papers are left only with the defendant. However, alimony cannot be fixed unless process is served in person.
 - c. Probation Papers. An order directing a court appearance usually for unpaid child support. If no appearance is made, arrest warrant will be issued.

Arrest warrants for violation of probation or willful non-support are handled like any other arrest.

- d. Debts, Loans or Non-Payment of Bills.
- e. Service on infants is to be accomplished by serving a copy to parent or member of family with whom the child resides.
- f. An incompetent in an institution is served in person with a copy to parent, guardian, or family member at home and a copy to the director or chief officer of institution.

Check with particular institution for policy on service before attempting to serve.

- 5. Service on corporation, partnerships and associations is accomplished by serving either an officer, director, trustee or managing or general agent of the organization or any person authorized by law to receive process on behalf of the organization.
- 6. When serving process on federal government property, it is wise to check with local authorities to determine if there is concurrent state jurisdiction for the particular federal enclave.

B. Other Restrictions.

- 1. Restraining Orders. Serve any member of household 14 years of age or older except as provided in the order and only upon the defendant in domestic violence cases.

Reference: *N.J.S.A. 2C: 25-15.*

- 2. Domestic violence orders should be read carefully. The removal of the defendant or seizure of specific property may be mandated.
- 3. Identify actions to be taken if act of domestic violence occurs during the service of the restraining order. Refer to Instructional Unit 4.24, Prevention of Domestic Violence Act.
- 4. Out-of-State Summons. Service should be consistent with policies of state of issuance.

Note. An out-of-state summons requires identification on summons of time and date of service plus a physical description of defendant. Some states require personal service.

5. Subpoenas. Serve in person only. (Requires an appearance.)
6. Grand Jury Summonses. Serve any member of household 14 years of age or older.
7. Motor Vehicle Accidents. Serve any member of household 14 years of age or older.

Performance Objective 16.4.4

The trainee will identify what actions to take in the event of resistance to service of process.

I. Resistance to Service.

If an individual hinders obstructs or impedes the execution of a judicial order or the exercise of jurisdiction over a person, he or she may be charged with a violation of *N.J.S.A. 2C:29-9*, Contempt. Other potential charges may include Assault or Aggravated Assault, *N.J.S.A. 2C:12-1*.

Note. Discuss agency policy relating to situations where resistance is met.

Present sample situations to students depicting possible resistance to service or process and outline appropriate responses.

Performance Objective 16.4.5

The trainee will identify the procedures to be followed in enforcing a child custody order.

I. Child Custody Orders.

Sheriffs' officers may escort Division of Youth and Family Services (D.Y.F.S.) caseworkers who must execute child custody or custody transfer orders. A parent or guardian may also obtain a court order transferring or granting custody of a child. The order may specify that a sheriff's officer must enforce it.

Note. The court order should be read carefully to determine the level of activity that may be utilized to obtain possession of the child in the event of resistance. When in doubt, clarify with the court.

Performance Objective 16.4.6

The trainee will identify the employing agency's extradition procedures.

I. Extradition Procedures.**A. Provisions of the Interstate Agreement of Retainers.****B. Local Agency Procedures.**

1. Required documentation.
2. Prisoner pick-up and transportation procedures.

Note. The agency should familiarize the trainee with the documentation necessary when returning an extradited prisoner to New Jersey and identifying and turning over a prisoner to an out-of-state law enforcement agency.

Provide trainees with the department's standard operating procedures for extradition.

HANDOUT 1

LEGAL INSTRUMENTS AND JUDICIAL ACTIONS

Complaint

In a civil action, a complaint is the first pleading by a plaintiff stating the various names of parties to civil action, a statement of facts causing the action, and the remedy requested.

Summons

This is a mandate requiring the answer of a defendant and specifying the time in which the defendant must answer the complaint. A summons enables the court to acquire jurisdiction of the defendant.

Writ of Capias Ad Respondendum

This writ may require that a defendant be arrested. The writ states the bail amount the defendant must post. If defendant cannot post bail, he immediately goes before the judge who issued the writ. The writ is used to ensure that the defendant does not dispose of assets in question.

Writ of Ne Exeat

This writ may require the arrest of defendant, sets bail, and also requires that if defendant cannot make bail, he be brought immediately before the judge issuing the writ. This writ is used to help ensure that a defendant does not leave the court's jurisdiction.

Writ of Replevin

This writ requires or provides for the recovery of goods which the owner believes were unlawfully taken.

Writ of Capias Ad Satisfaciendum

This writ is issued after final judgment. It requires the arrest of the person against whom judgment is made until the judgment is satisfied.

Writ of Execution

This order the enforcement of a judgment by commanding the sheriff to levy or seize and sell the personal and real property of the judgment debtor.

Writ of Attachment

This prevents the disposal of an item prior to a final judgment and is used to enforce obedience to an order of judgment.

Writ of Possession

This is a writ of execution which allows the sheriff to take possession of real or personal property and give it to the person entitled to it under the judgment.

Injunction

An injunction is a court order which requires a party to refrain from doing a particular act or activity.

Levy

A levy is a seizure of real property through lawful process. The land or property seized may be sold to satisfy a judgment.

The levy may be against personal property such as bank accounts, cash, vehicles, etc.

Garnishment (Wage Execution)

A garnishment or wage execution is the process in which the sheriff may levy money or salary which is in the hands of a third person but which is due a defendant. For example, a percentage of the salary due an employee (defendant debtor) is issued to repay the debt due the plaintiff (lender).